

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL A. HERNANDEZ,

Petitioner,

V.

STATE OF NEBRASKA
DEPARTMENT OF
CORRECTIONS, and SCOTT
FRAKES, Director,

Respondents.

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8:16CV141

**MEMORANDUM
AND ORDER**

Petitioner filed a Petition for Writ of Habeas Corpus (Filing No. [1](#)) and a Motion for Leave to Proceed in Forma Pauperis (Filing No. [2](#)). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. [28 U.S.C. § 1914\(a\)](#). However, after considering Petitioner's financial status as shown in the records of this court (*see* inmate trust account statement at Filing No. [6](#)), provisional leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee at this time. *See* [28 U.S.C. § 1915\(a\)\(1\)](#).

IT IS THEREFORE ORDERED that: Petitioner's Motion for Leave to Proceed in Forma Pauperis (Filing No. [2](#)) is granted. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business.

DATED this 20th day of April, 2016.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge